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10/773,287	02/09/2004	Arto Palin	4208-4175	8738
27123 7590 02/20/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER HUANG, WEN WU	
			ART UNIT	PAPER NUMBER
			2618	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/773,287

Applicant(s)

PALIN ET AL.

Examiner

Wen W. Huang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some,* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-25 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 6, 10-12, 15 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi (US. 6,256,334 B1) in view of Hlasny (US. 6,603,799 B1).

Regarding **claim 1**, Adachi teaches a method in a wireless communications device (see Adachi, fig. 3), comprising:

- (a) identifying a frequency hopping pattern associated with at least one remote short-range wireless communications network (see Adachi, fig. 6, S1 and S2; col. 17, lines 49-53; detecting a FH pattern and timing of another radio LAN 10 in the vicinity);
- (b) based on the identified frequency hopping pattern in the at least one remote short-range wireless communication network, selecting a frequency hopping pattern for communications in a local short-range wireless communications network (see Adachi, fig. 6, S3; col. 17, lines 53-56);

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(c) based on the identified frequency hopping pattern, selecting a timing for the selected frequency hopping pattern (see Adachi, fig. 6, S4; col. 17, lines 57-59); and

(d) communicating the selected frequency hopping pattern and timing to the local short-range wireless communication (see Adachi, fig. 6, S5; col. 17, line 59-60 and col. 17, line 66 – col. 18, line 7).

Adachi is silent to teaching that comprising:

(a) identifying a frequency hopping pattern via measuring energy level in one or more frequency bands; and

(c) base on the identified frequency hopping pattern, selecting a timing based on the measured energy level.

In the same field of endeavor, Hlasny teaches a method in a wireless communication device (see Hlasny, abstract) comprising

(a) identifying a frequency hopping pattern via measuring energy level in one or more frequency bands (see Hlasny, col. 4, line 58 - col. 5, line 1); and

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Adachi and the teaching of Hlasny in order to efficiently identifying potentially interfering frequency hopping pattern (see Hlasny, col. 2, lines 23-33).

Hlasny teaches identifying the interfering frequency hopping pattern and timing based on the measured energy level and Adachi teaches selecting a timing based on the identified interfering frequency hopping pattern and timing. Thus, the combination of Adachi and Hlasny teaches (c) based on the identified frequency hopping pattern,

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selecting a timing for the selected frequency hopping pattern based on the measured energy level (see Adachi, col. 17, lines 57-59 and Hlasny, col. 4, line 63 – col. 5, line 1).

Regarding **claim 2**, the combination of Adachi and Hlasny also teaches the method of claim 1, further comprising: transmitting one or more symbols according to the selected frequency hopping pattern and the selected timing (see Adachi, fig. 1, component 52; col. 11, lines 41-51).

Regarding **claim 6**, the combination of Adachi and Hlasny also teaches the method of claim 1, wherein the identified frequency hopping pattern and the selected frequency-hopping pattern are the same (see Adachi, fig. 6, S4; col. 17, lines 53-56).

Regarding **claim 10**, the combination of Adachi and Hlasny also teaches the method of claim 1, further comprising: directing one or more remote wireless communications devices to employ the selected frequency hopping pattern (see Adachi, col. 17, line 66 – col. 18, line 7).

Regarding **claim 11**, Adachi teaches a system (see Adachi, fig. 3), comprising:
means for identifying a frequency hopping pattern associated with at least one remote short-range wireless communications network (see Adachi, fig. 6, S1 and S2; col. 17, lines 49-53; detecting a FH pattern and timing of another radio LAN 10 in the vicinity);

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means for selecting a frequency hopping pattern for communications in a local short-range wireless communications network based on the identified frequency hopping pattern in the at least one remote short-range wireless communication network (see Adachi, fig. 6, S3; col. 17, lines 53-56);

means for selecting a timing for the selected frequency hopping pattern based on the identified frequency hopping pattern (see Adachi, fig. 6, S4; col. 17, lines 57-59);

and

means for communicating the selected frequency hopping pattern and timing to the local short-range wireless communication (see Adachi, fig. 6, S5; col. 17, line 59-60 and col. 17, line 66 – col. 18, line 7).

Adachi is silent to teaching that comprising:

means for identifying a frequency hopping pattern via measuring energy level in one or more frequency bands; and

means for selecting a timing for the selected frequency hopping pattern based on the measured energy level.

In the same field of endeavor, Hlasny teaches a system (see Hlasny, abstract) comprising

means for identifying a frequency hopping pattern via measuring energy level in one or more frequency bands (see Hlasny, col. 4, line 58 - col. 5, line 1); and

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Adachi and the teaching of

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Hlasny in order to efficiently identifying potentially interfering frequency hopping pattern (see Hlasny, col. 2, lines 23-33).

Hlasny teaches identifying the interfering frequency hopping pattern and timing based on the measured energy level and Adachi teaches selecting a timing based on the identified interfering frequency hopping pattern and timing. Thus, the combination of Adachi and Hlasny teaches means for selecting a timing for the selected frequency hopping pattern based on the measured energy level (see Adachi, col. 17, lines 57-59 and Hlasny, col. 4, line 63 – col. 5, line 1).

Regarding **claims 12, 15 and 19**, the dependent apparatus claims are interpreted and rejected for the same reasons as set forth above in method claims 2, 6 and 10, respectively above.

Regarding **claim 20**, Adachi teaches a wireless communications device (see Adachi, fig. 3), comprising:

a carrier sensing module configured to monitor transmissions in one or more frequency bands (see Adachi, fig. 1, components 58 and 59; col. 13, lines 50-60);

a timing controller (see Adachi, fig. 1, component 50) configured to transmit scan messages inquiring about neighborhood networks and frequency hopping patterns they employ (see Adachi, col. 12, lines 22-32) and select from scan responses a frequency hopping pattern for a local short-range wireless network based on a frequency hopping

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pattern of a remote short-range wireless communications network detected by the carrier sensing module (see Adachi, fig. 6, S3; col. 17, lines 53-56);

the timing controller further (see Adachi, fig. 1, components 50c and 50d) configured to transmit signals to control one or more transmission times according to the selected frequency hopping pattern based on a timing detected in a frequency band by the carrier sensing module (see Adachi, col. 13, lines 50-60); and

a transceiver (see Adachi, fig. 1, components 51, 52 and 53), responsive to the transmit signals (see Adachi, fig. 1, component 50c), configured to transmit data at the one or more data transmission times according to the selected frequency hopping pattern (see Adachi, fig. 6, S5; col. 17, line 59-60 and col. 17, line 66 – col. 18, line 7).

Adachi is silent to teaching the timing controller configured to transmit signals to control one or more transmission times based on energy levels detected in a frequency band.

In the same field of endeavor, Hlasny teaches a wireless communication device (see Hlasny, abstract) wherein detecting a timing of the remote short-range wireless communication network based on energy levels detected (see Hlasny, col. 4, line 58 - col. 5, line 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Adachi and the teaching of Hlasny in order to efficiently identifying potentially interfering frequency hopping pattern and timing (see Hlasny, col. 2, lines 23-33).

Hlasny teaches detecting a timing of a remote network based on measured energy level and Adachi teaches controlling one or more transmission times based on a timing detected. Thus, the combination of Adachi and Hlasny teaches the timing controller configured to transmit signals to control one or more transmission times based on energy levels detected in a frequency band by the carrier sensing module (see Adachi, col. 17, lines 57-59 and Hlasny, col. 4, line 63 – col. 5, line 1).

Regarding **claim 21**, the combination of Adachi and Hlasny also teaches the wireless communications device of claim 20, wherein the transceiver is further configured to transmit the selected frequency hopping pattern to one or more devices in the local short-range wireless network (see Adachi, fig. 6, S5; col. 17, line 59-60 and col. 17, line 66 – col. 18, line 7).

Regarding **claim 22**, the combination of Adachi and Hlasny also teaches the wireless communications device of claim 21, wherein the transceiver is further configured to transmit the selected frequency hopping pattern to the one or more devices in the local short-range wireless network in a beacon transmission (see Adachi, col. 1, lines 30-32).

Regarding **claim 23**, Adachi teaches a wireless communications device (see Adachi, fig. 3), comprising:

a carrier sensing module configured to monitor transmissions in one or more frequency bands (see Adachi, fig. 1, components 58 and 59; col. 13, lines 50-60);

a timing controller (see Adachi, fig. 1, component 50) generating scan messages inquiring about neighborhood networks and frequency hopping patterns they employ (see Adachi, col. 12, lines 22-32) and configured to control one or more transmission times according to a frequency hopping pattern based on a timing detected in a frequency band by the carrier sensing module (see Adachi, col. 13, lines 50-60); and

a transceiver (see Adachi, fig. 1, components 51, 52, 53, 58 and 59) configured to receive the frequency hopping pattern from a device in the local short-range wireless communications network (see Adachi, fig. 1, components 58 and 29), and to transmit data at the one or more data transmission times according to the frequency hopping pattern (see Adachi, fig. 6, S5; col. 17, line 59-60 and col. 17, line 66 – col. 18, line 7).

Adachi is silent to teaching the timing controller configured to control one or more transmission times based on energy levels detected in a frequency band.

In the same field of endeavor, Hlasny teaches a wireless communication device (see Hlasny, abstract) wherein detecting a timing of the remote short-range wireless communication network based on energy levels detected (see Hlasny, col. 4, line 58 - col. 5, line 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Adachi and the teaching of Hlasny in order to efficiently identifying potentially interfering frequency hopping pattern and timing (see Hlasny, col. 2, lines 23-33).

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Hlasny teaches detecting a timing of a remote network based on measured energy level and Adachi teaches controlling one or more transmission times based on a timing detected. Thus, the combination of Adachi and Hlasny teaches the timing controller configured to control one or more transmission times based on energy levels detected in a frequency band by the carrier sensing module (see Adachi, col. 17, lines 57-59 and Hlasny, col. 4, line 63 – col. 5, line 1).

Regarding **claim 24**, the combination of Adachi and Hlasny also teaches the wireless communications device of claim 23, wherein the transceiver is further configured to receive the frequency hopping pattern in a beacon transmission (see Adachi, col. 1, lines 30-32).

2. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi and Fleek et al. (US. 5,533,025; hereinafter "Fleek")

Regarding **claim 25**, Adachi teaches a method in a wireless communications device (see Adachi, fig. 3), comprising:

generating scan messages inquiring about neighborhood networks and frequency hopping pattern they employ (see Adachi, col. 12, lines 22-32);

monitoring transmissions in one or more frequency bands of a plurality of channels (see Adachi, fig. 1, components 58 and 59; col. 17, lines 35-40);

based on the monitored transmissions, determining a time frequency code (TFC) of at least one remote short-range wireless communications network (see Adachi, fig. 6, S1 and S2; col. 17, lines 49-53; detecting a FH pattern and timing of another radio LAN 10 in the vicinity);

selecting a TFC for use in a local short-range wireless communications network based on the TFC of the at least one remote wireless communications network (see Adachi, fig. 6, S3; col. 17, lines 53-56); and

distributing information regarding the selected TFC to one or more remote devices within the local short-range wireless communications network (see Adachi, fig. 6, S5; col. 17, line 59-60 and col. 17, line 66 – col. 18, line 7).

Adachi is silent to teaching that

determining whether the wireless communications device needs to transmit data within the local short-range wireless communications network; and

monitoring one or more of the frequency bands to designate a transmission timing for the data. However, the claimed limitation is well known in the art as evidenced by Fleek.

In the same field of endeavor, Fleek teaches a method in wireless communication device comprising:

determining whether the wireless communications device needs to transmit data within the local short-range wireless communications network (see Fleek, col. 5, lines 31-33); and

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monitoring one or more of the frequency bands to designate a transmission timing for the data (see Fleek, col. 5, lines 34-39 and 48-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Adachi with the teaching of Fleek in order to maintain frequency hopping synchronization and avoid collision (see Fleek, col. 2, lines 55-59).

3. Claims 4, 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi and Hlasny as applied to claims 1 and 11, respectively above, and further in view of Fleek.

Regarding **claim 4**, the combination of Adachi and Hlasny teaches the method of claim 1.

The combination of Adachi and Hlasny is silent to teaching that wherein step (c) comprises:

identifying a low energy condition in the frequency band; and

designating a starting time for the selected frequency hopping pattern during the low energy condition. However, the claimed limitation is well known in the art as evidenced by Fleek.

In the same field of endeavor, Fleek teaches a method in a wireless communications device, comprising:

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identifying a low energy condition in the frequency band (see Fleek, col. 5, lines 31-34); and

designating a starting time for the selected frequency hopping pattern during the low energy condition (see Fleek, col. 5, lines 34-39 and 48-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Adachi and Hlasny with the teaching of Fleek in order to maintain frequency hopping synchronization and avoid collision (see Fleek, col. 2, lines 55-59).

Regarding **claim 5**, the combination of Adachi and Hlasny teaches the method of claim 1.

The combination of Adachi and Hlasny is silent to teaching that wherein step (c) comprises:

monitoring transmissions in a frequency band;

identifying a low energy condition in the frequency band; and

designating a starting time for the selected frequency hopping pattern during the low energy condition. However, the claimed limitation is well known in the art as evidenced by Fleek.

In the same field of endeavor, Fleek teaches a method in a wireless communications device, comprising:

monitoring transmissions in a frequency band (see Fleek, col. 6, lines 44-46);

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identifying a low energy condition in the frequency band (see Fleek, col. 5, lines 31-34); and

designating a starting time for the selected frequency hopping pattern during the low energy condition (see Fleek, col. 5, lines 34-39 and 48-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Adachi and Hlasny with the teaching of Fleek in order to maintain frequency hopping synchronization and avoid collision (see Fleek, col. 2, lines 55-59).

Regarding **claim 14**, the apparatus claim is interpreted and rejected for the same reason as set forth above in claim 5.

4. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi and Hlasny as applied to claims 2 and 11, respectively above, and further in view of Ryan (US. 6,333,937 B1).

Regarding **claim 3**, the combination of Adachi and Hlasny teaches the method of claim 2.

The combination of Adachi and Hlasny is silent to teaching that wherein the one or more symbols are OFDM symbols. However, the claimed limitation is well known in the art as evidenced by Ryan.

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In the same field of endeavor, Ryan teaches a method in a wireless communications device wherein the one or more symbols are OFDM symbols (see Ryan, col. 3, lines 35-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Adachi and Hlasny with the teaching of Ryan in order to improve the performance of the wireless communication (see Ryan, col. 3, lines 43-54).

Regarding **claim 13**, the apparatus claim is interpreted and rejected for the same reason as set forth above in claim 3.

5. Claims 7-9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi and Hlasny as applied to claims 1 and 11, respectively above, and further in view of Lyle et al. (US. Pub No. 2005/0058181 A1; hereinafter "Lyle")

Regarding **claim 7**, the combination of Adachi and Hlasny teaches the method of claim 1.

The combination of Adachi and Hlasny is silent to teaching that wherein the selected timing provides for no collisions between the identified frequency hopping pattern and the selected frequency hopping pattern. However, the claimed limitation is well known in the art as evidenced by Lyle.

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In the same field of endeavor, Lyle teaches that wherein the selected timing provides for no collisions between the identified frequency hopping pattern and the selected frequency hopping pattern (see Lyle, para. [0032], lines 6-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Adachi and Hlasny with the teaching of Lyle in order to improve communication quality and reduce data collision as suggested by Adachi (see Adachi, col. 4, lines 5-10).

Regarding **claim 8**, the combination of Adachi and Hlasny teaches the method of claim 1.

The combination of Adachi and Hlasny is silent to teaching that wherein the identified frequency hopping pattern and the selected frequency hopping pattern are different. However, the claimed limitation is well known in the art as evidenced by Lyle.

In the same field of endeavor, Lyle teaches that wherein the identified frequency hopping pattern and the selected frequency hopping pattern are different (see Lyle, para. [0038], lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Adachi and Hlasny with the teaching of Lyle in order to improve communication quality and reduce data collision as suggested by Adachi (see Adachi, col. 4, lines 5-10).

Regarding **claim 9**, the combination of Adachi and Hlasny also teaches the method of claim 8, wherein the selected timing provides for minimal collisions between the identified frequency hopping pattern and the selected frequency hopping pattern (see Lyle, para. [0034], lines 16-19).

Regarding **claims 16-18**, the dependent apparatus claims are interpreted and rejected for the same reasons as set forth above in method claims 7-9, respectively above.

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 6, 7, 10, 20, 21, 23, 24 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen W. Huang whose telephone number is (571) 272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wwh 
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2-11-06

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